UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HASKELL G. GREER, KIM R. GREER
ASHLEY GREER, CATERA B. GREER,
KAILAA GREER, and
ALEXANDER J. LAWRENCE,

Plaintiffs,

Case No. 5:15-cv-12444-JEL-EAS
HON. JUDITH E. LEVY
Mag. Judge Elizabeth A. Stafford

v

CITY OF HIGHLAND PARK, a Municipal Corporation, HIGHLAND PARK POLICE DEPARTMENT, CHIEF KEVIN CONEY, SERGEANT RONALD DUPUIS II, WILLIAM MELENDEZ, BRIAN SHAFER, ERIC TAYLOR, CHARLES GARDNER, JEREMIAH HALL, JAMES MCMAHON, HOLLIS SMITH, ALLISON ASKIA, CHRISTOPHER ZEULLIG, TYRELL WHITE, and HEATHER HOLCOMB,

Defendants.
____/

DEFENDANTS' NOTICE OF APPEAL

PROOF OF SERVICE

DEFENDANTS' NOTICE OF APPEAL

Notice is hereby given that ALL DEFENDANTS, appeal to the United States Court of Appeals for the Sixth Circuit from the "OPINION AND ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS [27]" entered March 13, 2017 (See ECF No. 47). Through the entry of this order, the lower Court has denied Defendants' request for qualified immunity.

Although most denials of motions to dismiss are non-final orders that do not fall within Congress's statutory grant of appellate jurisdiction, *see* 28 U.S.C. § 1291, "a limited set of district-court orders are reviewable 'though short of final judgment.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 671 (2009). Pursuant to the collateral-order doctrine, "a district court's order rejecting qualified immunity at the motion-to-dismiss stage of a proceeding is a 'final decision' within the meaning of § 1291." *Id.* at 672. Therefore, the Sixth Circuit Court of Appeals has appellate jurisdiction over the district court's order denying Defendants' motion to dismiss based on qualified immunity. *Id.*; *see also Heyne v. Metro. Nashville Pub. Sch.*, 655 F.3d 556, 562 (6th Cir. 2011).

/s/ James W. McGinnis
James W. McGinnis, P.C.
985 E. Jefferson Avenue, Suite 100
Detroit, Michigan 48207
Attorney for Defendants
313-446-9582
d19a792@sbcglobal.net
[P29323]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HASKELL G. GREER, KIM R. GREER
ASHLEY GREER, CATERA B. GREER,
KAILAA GREER, and
ALEXANDER J. LAWRENCE,

Plaintiffs,

v

CITY OF HIGHLAND PARK, a Municipal Corporation, HIGHLAND PARK POLICE DEPARTMENT, CHIEF KEVIN CONEY, SERGEANT RONALD DUPUIS II, WILLIAM MELENDEZ, BRIAN SHAFER, ERIC TAYLOR, CHARLES GARDNER, JEREMIAH HALL, JAMES MCMAHON, HOLLIS SMITH, ALLISON ASKIA, CHRISTOPHER ZEULLIG, TYRELL WHITE, and HEATHER HOLCOMB,

Defendants.

Case No. 5:15-cv-12444-JEL-EAS
HON. JUDITH E. LEVY
Mag. Judge Elizabeth A. Stafford

PROOF OF SERVICE

____/

SEIKALY, STEWART & BENNETT, P.C.
Attorneys for Plaintiffs
Jeffrey T. Stewart (P24138)
30445 Northwestern Highway, Suite 250
Farmington Hills, MI 48334
(248) 785-0102
jts@sslawpc.com

JAMES W. MCGINNIS, P.C.
Counsel for Defendants
James W. McGinnis (P29323)
985 E. Jefferson Ave., Ste. 100
Detroit, Michigan 48207
(313) 446-9582
d19a792@sbcglobal.net

ELIZABETH A. DOWNEY, P.C.
Attorneys for Plaintiffs
Elizabeth A. Downey (P37036)
30445 Northwestern Highway, Suite 250
Farmington Hills, MI 48334
(248) 539-7407
attylizdowney@aol.com

____/

PROOF OF SERVICE

I hereby certify that on March 16, 2017, I electronically filed:

DEFENDANTS' NOTICE OF APPEAL

with the clerk of the court using the ECF system, which will send an electronic notification of such filing to the following attorney of record, who is also an ECF participant:

Jeffrey T. Stewart
Elizabeth A. Downey

/s/ James W. McGinnis
James W. McGinnis, P.C.
985 E. Jefferson Avenue, Suite 100
Detroit, Michigan 48207
Attorney for Defendants
313-446-9582
d19a792@sbcglobal.net
[P29323]